



General Assembly

January Session, 2005

Amendment

LCO No. 6471

HB0676006471SD0

Offered by:
SEN. STILLMAN, 20th Dist.

To: Subst. House Bill No. 6760

File No. 736

Cal. No. 527

"AN ACT CONCERNING BOATING SAFETY."

1 Strike lines 101 to 122, inclusive, and substitute the following in lieu
2 thereof:

3 "[A)] (1) interfere with or endanger the operation of the law
4 enforcement vessel or any other vessel, [(B)] (2) endanger or cause
5 damage to property or person, or [(C)] (3) increase or maintain speed
6 in an attempt to escape or elude such law enforcement officer shall be
7 [fined not less than one hundred dollars or more than five hundred
8 dollars for a first offense and for any subsequent offense shall be fined
9 not less than five hundred dollars or more than one thousand dollars]
10 guilty of a class A misdemeanor. If such violation causes the death or
11 serious physical injury of another person, the vessel operator shall be
12 guilty of a class D felony, and such operator's safe boating certificate,
13 certificate of personal watercraft operation or right to operate a vessel
14 that requires a certificate shall be suspended for one year. For any
15 subsequent offense, such operator shall be guilty of a class D felony,
16 except that if any prior offense by such operator under this section

17 caused, and such subsequent offense causes, the death or serious
18 physical injury of another person, such operator shall be guilty of a
19 class D felony for which one year of the sentence imposed may not be
20 suspended or reduced by the court, and such operator's safe boating
21 certificate, certificate of personal watercraft operation or right to
22 operate a vessel that requires a certificate shall be suspended for not
23 less than eighteen months or more than two years. Proof of the
24 registration number of the vessel shall be prima facie evidence in any
25 prosecution that the owner was the operator. For purposes of this
26 subsection, "serious physical injury" means physical injury which
27 creates a substantial risk of death, or which causes serious
28 disfigurement, serious impairment of health or serious loss or
29 impairment of the function of any bodily organ."

30 Strike sections 5 and 6 in their entirety and renumber internal
31 references accordingly.